

(2004) 05 DEL CK 0008

In the Delhi High Court

Case No : Regular First Appeal No. 593 of 1994

Pratap Singh and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 18-05-2004

Acts Referred:

Land Acquisition Act, 1894 — Section 23(1A), 4

Citation : (2004) 113 DLT 689

Hon'ble Judges : Ramesh Chand Jain, J; Dalveer Bhandari, J

Bench : Division Bench

Advocate : Om Prakash, for the Appellant; Sanjay Poddar, for the Respondent

Final Decision : Allowed

Judgement

Dalveer Bhandari, J.—This appeal is directed against the judgment delivered by the learned Additional District Judge (in short "ADJ") on 23rd April, 1999 whereby the learned ADJ granted compensation to the appellant @ Rs. 4,000/- per bigha along with other statutory benefits for acquisition of his land situated in village Samaspur Jagir by a notification u/s 4 of the Land Acquisition Act.

2. Learned Counsel for the appellant has placed reliance on the judgment dated 6.9.1999 delivered in LAC No. 474/1993 titled Pratap Singh and Ors. v. Union of India. The judgment relates to the land of the same village, i.e., Samaspur Jagir, which was acquired by the same notification dated 13.11.1959. Learned Counsel appearing for the appellant submits that in the aforementioned judgment the Court granted compensation at the rate of Rs. 8,000/- per bigha along with other statutory benefits. This judgment has acquired finality because according to learned Counsel for the respondent/Union of India no appeal was filed by the Union of India against the said judgment and that judgment acquired finality. Learned Counsel appearing for the respondent fairly submits that he cannot have any objection if the compensation is enhanced to Rs. 8,000/- per bigha from Rs. 4,000/- per bigha granted to the claimants for the acquisition of their land situated in the same village and acquired by same notification in the case of

Pratap Singh (supra).

3. We have heard learned Counsel for the parties. In view of the aforesaid judgment, we deem it appropriate that the amount of compensation be enhanced from Rs. 4,000/- to Rs. 8,000/- per bigha in the instant case. Consequently, we direct the respondent / UOI to pay the enhanced amount of compensation as expeditiously as possible. The appellant will also be entitled to solarium @ 30% and additional amount u/s 23(1-A) of the Act @ 12% per annum on the market value of the land from the date of notification u/s 4 of the Act till the date of award or taking over possession of the land whichever is earlier along with 9% interest for the first year from the date of award or taking over possession of land whichever is earlier and thereafter interest @ 15% per annum on the enhanced amount of compensation would be paid to the appellant till the date of payment

4. In view of the decision of the Supreme Court in *Sunder Vs. Union of India*, , the appellant is also be entitled to interest on solarium.

5. Learned Counsel for the respondent has drawn our attention to para 22 of the judgment of Pratap Singh (supra). According to that judgment, the appellant would be entitled to payment of interest u/s 4(3) of the Land Acquisition (Amendment and Validation) Act, 1967 from the date of expiry of the period of three years from the date of notification u/s 4 of the Land Acquisition Act to the date of tender of compensation awarded by the Court. Learned Counsel for the UOI submits that instead of word "Court" the expression "Collector" be incorporated. We order accordingly.

6. The appellant shall also be entitled to proportionate costs. The appeal is accordingly allowed and disposed of.